

By: Burkett

H.B. No. 2548

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of provisions regarding the imposition of a surcharge for the use of a credit card.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 339.001, Finance Code, is amended to read as follows:

Sec. 339.001. IMPOSITION OF SURCHARGE FOR USE OF CREDIT CARD. (a) In a sale of goods or services, a seller may not impose a surcharge on a buyer who uses a credit card for an extension of credit instead of cash, a check, or a similar means of payment.

(b) This section does not apply to a state agency, county, local governmental entity, or other governmental entity that accepts a credit card for the payment of fees, taxes, or other charges.

(c) The consumer credit commissioner [~~Finance Commission of Texas~~] shall have exclusive jurisdiction to enforce [~~and adopt rules relating to~~] this section.

(d) The Finance Commission of Texas may adopt rules relating to this section. Rules adopted pursuant to this section shall be consistent with federal laws and regulations governing credit card transactions described by this section.

(e) This section does not create a cause of action against an individual for violation of this section.

SECTION 2. Section 14.201, Finance Code, is amended to read

as Investigative and enforcement authority under this subchapter applies only to this chapter, Section 339.001, Subtitles B and C of Title 4, Chapter 393 with respect to a credit access business, and Chapter 394.

SECTION 3. Section 14.2015(a), Finance Code, is amended to read as follows:

(a) Except as provided by Subsection (b), information or material obtained or compiled by the commissioner in relation to an examination or investigation by the commissioner or the commissioner's representative of a license holder, registrant, applicant, or other person under Section 339.001, Subtitle B or C, Title 4, Subchapter G of Chapter 393, or Chapter 394 is confidential and may not be disclosed by the commissioner or an officer or employee of the Office of Consumer Credit Commissioner, including:

(1) information obtained from a license holder, registrant, applicant, or other person examined or investigated under Section 339.001, Subtitle B or C, Title 4, Subchapter G of Chapter 393, or Chapter 394;

(2) work performed by the commissioner or the commissioner's representative on information obtained from a license holder, registrant, applicant, or other person for the purposes of an examination or investigation conducted under Section 339.001, Subtitle B or C, Title 4, Chapter 393 with respect to a credit access business, or Chapter 394;

(3) a report on an examination or investigation of a license holder, registrant, applicant, or other person conducted under Section 339.001, Subtitle B or C, Title 4, Chapter 393 with

1 respect to a credit access business, or Chapter 394; and

2 (4) any written communications between the license or
3 referencing an examination or investigation conducted under
4 Section 339.001, Subtitle B or C, Title 4, Chapter 393 with respect
5 to a credit access business, or Chapter 394.

6 SECTION 4. Section 14.251(b), Finance Code, is amended to
7 read as follows:

8 (b) The commissioner may order a person who violates or
9 causes a violation of this chapter, Section 339.001, Chapter 394,
10 or Subtitle B, Title 4, or a rule adopted under this chapter,
11 Section 339.001, Chapter 394, or Subtitle B, Title 4, or a credit
12 access business who violates or causes a violation of Chapter 393 or
13 a rule adopted under Chapter 393, to make restitution to an
14 identifiable person injured by the violation.

15 SECTION 5. This Act takes effect September 1, 2013.